

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF NEVADA
 3

4 RONALD J. ALLISON,
 5 Petitioner,
 6 v.

Case No. 2:22-cv-00926-GMN-EJY

ORDER

7 CLARK COUNTY DETENTION CENTER,
 8 Respondent.
 9

10
 11 This is a habeas corpus action brought under 28 U.S.C. § 2241 by Ronald J.
 12 Allison, a pretrial detainee held at the Clark County Detention Center in Las Vegas.
 13 Allison filed his habeas petition (ECF No. 1) on June 8, 2022. The Court has examined
 14 Allison's petition and will dismiss it, pursuant to the *Younger* abstention doctrine, and
 15 because Allison has not exhausted available state-court remedies. See Rule 4 of the
 16 Rules Governing Section 2254 Cases in the United States District Courts (Habeas
 17 Rules) (screening of petitions); Rule 1(b) of the Habeas Rules (Habeas Rules may be
 18 applied to habeas petitions not brought under Section 2254).

19 Allison's petition alleges that he was arrested on June 8, 2021; he does not
 20 specify exactly what charges have been brought against him. See Petition for Writ of
 21 Habeas Corpus (ECF No. 1). He claims, in a wholly conclusory manner, that he has
 22 been "falsely imprisoned" on "false weapons charges," that he has been "slandered and
 23 defamed in the media" and by the police such that he cannot receive a fair trial, that he
 24 has been illegally placed in a "competency program," that he is held "in duress" with no
 25 bail, and that he is awaiting a federal investigation of the circumstances of his detention.
 26 See *id.*

27 A federal court may summarily dismiss a habeas petition that is patently
 28 frivolous, false, vague, conclusory, palpably incredible, or plagued by procedural

1 defects. See *Boyd v. Thompson*, 147 F.3d 1124, 1128 (9th Cir. 1998); *Hendricks v.*
2 *Vasquez*, 908 F.2d 490, 491 (9th Cir. 1990).

3 Although there is no exhaustion requirement explicitly mandated for habeas
4 petitions under 28 U.S.C. § 2241, the courts have held that exhaustion is required as a
5 matter of federal-state comity, unless special circumstances warrant federal intervention
6 prior to a state criminal trial. *Carden v. Montana*, 626 F.2d 82, 83–84 (9th Cir.), cert.
7 denied, 449 U.S. 1014 (1980). Allison plainly has not sought relief in the Nevada
8 appellate courts on the claims asserted in his federal habeas petition, and he does not
9 suggest that there are any special circumstances warranting waiver of the exhaustion
10 requirement.

11 Furthermore, in *Younger v. Harris*, 401 U.S. 37 (1971), the Supreme Court held
12 that a federal court must abstain from interfering with an ongoing state criminal
13 proceeding absent extraordinary circumstances creating a threat of irreparable injury.
14 *Younger*, 401 US at 45–46, 53–54; see also *Drury v. Cox*, 457 F.2d 764, 764–65 (9th
15 Cir. 1972) (“[O]nly in the most unusual circumstances is a defendant entitled to have
16 federal interposition by way of injunction or habeas corpus until after the jury comes in,
17 judgment has been appealed from and the case concluded in the state courts.”).

18 The Court will dismiss this action on exhaustion and abstention grounds.

19 The Court need not determine whether a certificate of appealability is warranted.
20 28 U.S.C. § 2253(c)(1) does not require a certificate of appealability for an appeal from
21 an order dismissing a habeas petition under 28 U.S.C. § 2241. See *Forde v. U.S.*
22 *Parole Commission*, 114 F.3d 878, 879 (9th Cir. 1997). Allison may appeal by filing a
23 timely notice of appeal in this action, in this Court.

24 ///


25 ///

26 ///

27 ///

28 ///

IT IS FURTHER ORDERED that the Clerk of the Court is directed to enter
ent accordingly.


GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE